



State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 112
TRENTON, NJ 08625-0112

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

GURBIR S. GREWAL
Attorney General

MICHELLE L. MILLER
Director

August 3, 2020

VIA ECF

The Honorable Peter G. Sheridan, U.S.D.J.
Clarkson S. Fisher Building
& U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: Arsenault, et al. v. Way
Civil Action No.: 16-1854-PGS-DEA

Dear Judge Sheridan:

This office represents Defendant, Tahesha Way, in the above referenced matter. Please let this letter serve as Defendant's response to Plaintiffs' submissions on July 23, 2020, and an update to the Court on whether Defendant wishes to take any additional depositions.

Defendant has reviewed the declaration of Alexander Arsenault dated July 20, 2020 and the other documents submitted by Plaintiffs on July 23, 2020. Defendant has no objection to the admission of exemplar Pennsylvania nomination papers submitted by Plaintiffs. Additionally, based on Plaintiff Arsenault's sworn deposition testimony given on August 7, 2019, Defendant will stipulate to all the facts set forth in Plaintiff Arsenault's declaration except the statements in paragraphs 20, 21, 22, 24, 25, 26, and 29. Defendant believes that the statements included in paragraphs 20, 21, 22, 24, 25, and 26 are legal conclusions that Arsenault is not qualified to make. Additionally, Defendant asserts that the statement contained in paragraph 29 is contradicted by the record and N.J. Stat. Ann. § 19:23-11. *See* Frey Decl. submitted in support of Defendant's motion for summary judgment dated October 4, 2019, Exhibit A, Deposition of Donna Barber, at 46:12-19 ("Q. So based on your understanding, and



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I'm not asking for a legal opinion, just your understanding, if a person from Pennsylvania is asking people to sign the petition in the presence of a registered New Jersey voter who witnesses the signatures being signed, that New Jersey voter can execute the affidavit? A. Yes").

Defendant does not wish to take any further discovery at this time.

Thank you for your time and consideration.

Respectfully submitted,

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: /s/Stuart M. Feinblatt
Stuart M. Feinblatt
Assistant Attorney General

By: s/Rachel Simone Frey
Rachel Simone Frey
Deputy Attorney General

CC: Paul Rossi, Esq (via ECF)
Lawrence Otter, Esq. (via ECF)